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8 Attorneys on behalf of Plaintiff

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA

13
14 IN RE BARD IVC FILTERS PRODUCTS
15 LIABILITY LITIGATION

16 No. 2:15-MD-02641-DGC
17 AMENDED SECOND AMENDED MASTER
18 SHORT FORM COMPLAINT FOR DAMAGES
19 FOR INDIVIDUAL CLAIMS AND DEMAND FOR
20 JURY TRIAL

21 This Document Pertains to Member Case:
22 2:17-cv-00722-DGC

23 Plaintiff(s) named below, for their Complaint against Defendants named below,
24 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
25 Plaintiff(s) further show the Court as follows:

26 1. Plaintiff/Deceased Party:

27 Robert Howie

28 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Amy Howie

1. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
2. conservator):

N/A

1. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2. at the time of implant:

Arkansas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Mississippi

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Mississippi

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court Northern District of Mississippi

8. Defendants (check Defendants against whom Complaint is made):

C. R. Bard Inc.

 Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

A substantial portion of events leading to Plaintiff's injuries arose in Mississippi making jurisdiction and venue proper.

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

□ Recovery® Vena Cava Filter

G2® Vena Cava Filter

□ G2® Express Vena Cava Filter

□ G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

□ Meridian® Vena Cava Filter

1 Denali® Vena Cava Filter

2 Other: _____

3 11. Date of Implantation as to each product:

4 On or about December 8, 2005.

5 12. Counts in the Master Complaint brought by Plaintiff(s):

6 Count I: Strict Products Liability – Manufacturing Defect

7 Count II: Strict Products Liability – Information Defect (Failure

8 to Warn)

9 Count III: Strict Products Liability – Design Defect

10 Count IV: Negligence - Design

11 Count V: Negligence - Manufacture

12 Count VI: Negligence – Failure to Recall/Retrofit

13 Count VII: Negligence – Failure to Warn

14 Count VIII: Negligent Misrepresentation

15 Count IX: Negligence *Per Se*

16 Count X: Breach of Express Warranty

17 Count XI: Breach of Implied Warranty

18 Count XII: Fraudulent Misrepresentation

19 Count XIII: Fraudulent Concealment

20 Count XIV: Violations of Applicable Mississippi (insert

21 state) Law Prohibiting Consumer Fraud and Unfair and

22 Deceptive Trade Practices

23 Count XV: Loss of Consortium

24 Count XVI: Wrongful Death

25 Count XVII: Survival

26 Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

3	_____
4	_____
5	_____
6	_____
7	_____
8	_____

13. Jury Trial demanded for all issues so triable?

Yes

□ No

RESPECTFULLY SUBMITTED this 7th day of June, 2017.

By: /s/ Eric Roslansky
The Ruth Law Team
P.O. Box 16847
St. Petersburg, FL 33733

I hereby certify that on this 7th day of June, 20117, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Eric Roslansky